

McGrail



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Nicolet Instrument Corporation

File: B-270174

Date: November 28, 1995

### DECISION

Nicolet Instrument Corporation protests the Department of the Army's award of a purchase order for an oil analyzer to Bio-Rad/Digilab Division under request for quotations (RFQ) No. DAKF10-95-T-1193. The protester contends that it should have been awarded the purchase order since it offered a functionally equivalent, lower-priced system.

The protest is dismissed because the agency has terminated the purchase order awarded to Bio-Rad and is resoliciting the requirement.

The jurisdiction of our Office is established by the bid protest provisions of the Competition in Contracting Act of 1884, 31 U.S.C. §§ 3551-3556. Our role in resolving bid protests is to ensure that the statutory requirements for full and open competition are met. Brown Assocs. Mgmt. Servs., Inc., B-235906.3, Mar. 16, 1990, 90-1 CPD ¶ 299.

When an agency terminates the award of a purchase order and resolicits its needs, the agency action renders the instant protest academic. Since it is not our practice to consider academic questions, see East West Research, Inc.-Recon., B-233623.2, Apr. 14, 1989, 89-1 CPD ¶ 379, the protest is dismissed.

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